

EXHIBIT E

STACY COLLINS, TIANGE LUSENI, and
LISA PETERSON, individually and on
behalf of other similarly situated individuals,

Plaintiffs,

v.

KOHL’S DEPARTMENT STORES, INC. and
KOHL’S CORPORATION,

Defendants

CASE NO: 3:18-cv-00065

1. I, Stacy Collins, am over 18 years of age and believe in the obligations of an oath.
2. I reside in Dayville, Connecticut.
3. Kohl's Department Stores employed me in their Wallingford, Enfield and Manchester, Connecticut locations from June 2008 to October 19, 2017.
4. Kohl's first put me through a management training program in its Wallingford, Connecticut location. This process lasted approximately two months. I was trained by various members of the store including the Store Manager, Assistant Managers and hourly associates.
5. There were three ASMs in the Wallingford location. There was one HR and Operations ASM, one Children, Footwear and Home Assistant Store Manager (CFH ASM), and one Apparel / Accessories (AA ASM).

6. I was trained in Kohl's Best Practices and was given a binder of written materials that Kohl's uses to train its assistant managers. There was also computer based training.
7. There were two other ASMs training with me in Wallingford and we were all trained using the same materials. The other two were sent off to other stores after their training.
8. After my training, Kohl's assigned me to its Enfield, Connecticut location where I was a Children, Footwear and Home Assistant Store Manager (CFH ASM). I held that position until some time in 2014 when I was transferred to Kohl's Manchester, Connecticut location.
9. Kohl's kept assigned me to be the Children, Footwear and Home Assistant Store Manager (CFH ASM) in Manchester. The position was the same as it was in its Enfield location. Kohl's did not provide me with any Enfield specific training, or duties.
10. Kohl's then assigned me to be an Assistant Store Manager of Human Resources and Operations (HR-Ops ASM) in Manchester from approximately August 2015 to October 19, 2017. In this role, I was given some HR and Operations duties, but my primary job duties remained the same.
11. In these three locations (Wallingford, Enfield and Manchester), I worked along-side other ASMs in other departments.
12. In every store that I worked in, there was a Store Manager, and reporting to the Store Manager, Assistant Store Managers. Every store was organized the same in terms of personnel and the layout of the store. Every store sold the same basic merchandise and had the same rules and procedure, including Kohl's Best Practices. We all received the same employee handbook.

13. Kohl's runs its stores from its headquarters in Wisconsin and applies uniform training and procedures to all of its stores.
14. Below the Assistant Store Managers were hourly associates, including Area Supervisors, Department Supervisors, Specialists and Associates.
15. Kohl's had different titles for their Assistant Store Managers in the stores that I worked in. They were
- a. Assistant Store Manager of Human Resources & Operations, (ASM HR Ops).
 - b. Assistant Store Manager – Apparel / Accessories, (ASM AA).
 - c. Assistant Store Manager – Children / Footwear / Home, (ASM CFH).
 - d. Assistant Store Manager – Operations / Children / Footwear / Home. (ASM Ops/CFH).
16. Even though we had different titles, all Assistant Store Managers performed the same basic functions. Our primary duty was to make sure the merchandise was taken off the truck and merchandised on the sales floor, along with providing customer service. The Operations ASMs worked more in the back room and did not have assign merchandise departments but the work we did was still in the nature of moving the merchandise from the trucks to the floor.
17. Kohl's trained all Assistant Store Managers in the same manner and using the same training materials including Best Practices. Kohl's issues one "associate handbook" which applies to all employees.
18. Kohl's sends us as ASMs to district meetings from time to time. I attended a few of these meetings and met other ASMs from other stores. In speaking to them, I learned that we all had similar jobs and also that we were all spending most of our time on hourly work.

Their stores, like mine, did whatever necessary to keep hourly payroll dollars down and so the task of performing the manual labor in the store fell on us.

19. Kohl's also has a uniform bonus program for Assistant Store Managers.
20. Kohl's has "Best Practices" which are practices that they want all store employees to follow. We can be disciplined or counseled if we don't follow Kohl's "best practices."
21. We were all schedule to work five days per week and a minimum of 9-hour days (or 45 hours per week) but frequently worked 50-60 hours per week. During the period from mid-November to the end of December we worked six days per week.
22. We were paid a flat salary and did not receive overtime pay for hours over 40 in a week.
23. During my nine years at Kohl's, I worked with approximately 12-14 other Assistant Managers and had an opportunity to observe the duties they performed. We all had essentially the same job, no matter what department we were in.
24. When I was transferred to different stores Kohl's didn't have to train me on the procedures for that store because all of the stores are run the same and workers can move from store to store and know how to do the job without any store specific training.
25. Kohl's assigned both management and non-management work to its Assistant Store Managers, no matter what department they were in. The non-management work that was assigned to us included:
 - a. Unloading trucks.
 - b. Unpacking merchandise
 - c. Filling on-line orders,
 - d. Stocking shelves,
 - e. Customer Service

- f. Operating cash registers.
- g. Counting inventory.
- h. Organizing the store.
- i. Recovery.
- j. Setting floor plans.

26. The management work that was assigned to us included:

- a. Directing the work of hourly workers.
- b. Responding to questions from hourly workers.
- c. Issuing low level discipline to hourly workers for minor transgressions such as tardiness.
- d. Assisting the Store Manager with performance evaluations of hourly workers once per year.
- e. Opening the store and closing the store.
- f. Participating in hiring interviews and firing interviews, although the ultimate decision on hiring or firing was made above us.

27. The non-management work that Kohl's assigned to us took the majority of our time.

28. I have reviewed the positions descriptions dated March 2012 for the ASM positions in this case. While they contain many references to management work, in fact, we spent most of our time on non-management work.


29. Kohl's set payroll budgets for each store each week. Kohl's tracked each store's payroll each week and each month to determine if that store was keeping its payroll under the budget it set. Each store had to use its ASMs to do hourly work in order to meet its payroll budget obligations.

30. Kohl's chronically understaffed its stores. There was usually not enough hourly payroll to get the non-management work done. Kohl's routinely relied on the ASMs to perform significant amounts of non-management work to keep the stores in good shape.
31. Kohl's had a practice in the three stores that I worked in to keep its hourly payroll expenses down. It did this in part by sending hourly associates home before the end of their shift and not replacing them when they called out. Kohl's then required the ASMs to finish the hourly tasks of the hourly associates who had been scheduled but were sent home early or not replaced.
32. Because of Kohl's understaffing and its practices of sending hourly workers home early and not replacing them when they called out, ASMs ended up spending more than 50 percent of their time on hourly labor and non-management work and less than 50 percent of their time actually involved in management functions.
33. The management work that we performed took very little time and was not as important to the success of our store as our non-management work. For example, part of our management work was to issue write ups for hourly workers for tardiness. When we did this, it was because the corporate office told us to and we had no discretion in this process.
34. Our Store Managers emphasized the importance of getting the merchandise off the trucks, out of the back room and onto the floor over the few management tasks that we performed.
35. The work we performed as Assistant Store Managers was closely and directly monitored by our superiors. Our Store Manager worked every week in our stores and inspected and monitored the work we did. Also, there were periodic inspections and audits of our

stores by corporate personnel. These inspections and audits were used to evaluate our performance each year and determine if we were terminated, retained, promoted or given raises.

36. Kohl's also has uniform planning procedures, including a "KPlanner." A KPlanner is used by all Assistant Store Managers in all of Kohl's stores. It is a calendar which Kohl's requires us to use on the computer to organize and plan our tasks every day. Kohl's corporate office put the tasks on the list for us required us to check off the tasks as we did them and this enable our Store Manager and other Managers to check up on us and whether we were completing the required tasks.
37. Kohl's also sent out Communications Books to every store every month which laid out in detail how they wanted each department merchandised.
38. I was paid a salary of \$60,528 per year in my final year, or \$1,164 per week.
39. The hourly workers in my stores made almost as much money as I did when their hourly wage was compared to my salary for similar hours.

I declare under penalty of perjury that the foregoing is true and correct.



sac sac (May 15, 2018)

Stacy Collins

May 15, 2018

Date